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ETHICAL OBLIGATIONS OF THE LAWYER. By GLEASON L. ARCHER.
Boston: LITTLE, BROWN & Co. 1910. pp. 367.

This is a useful compilation of precepts and suggestions for the young lawyer. But its title is misleading. The book is in fact a medley of maxims of wordly wisdom of the "Poor Richard" sort, ethical principles of general application and the conventional rules of professional conduct which are peculiar to the bar. There can be no serious objection to the inclusion of all these matters, however diverse, in a single volume, but the arrangement and form of statement produce some curious results. Thus the maxim that "a lawyer should maintain a neat and well-groomed appearance" appears in juxtaposition with "the duty not to disclose confidential communications" of the client; while injunctions "to make the office attractive to prospective clients" by leaving "the office-door ajar or part-way open so that a portion of the office interior can be seen," to avoid filling the office with "the stifling fumes of tobacco smoke" especially with "the villainous (*sic*) aftermath of cigarette smoking" and to avoid appearing in shirt-sleeves unless the weather is so intolerably hot as to furnish a valid excuse, all masquerade as ethical obligations of the lawyer. So does the more doubtful advice to fake an imposing law library by filling the shelves with legislative reports and other useless material. "Law books are all alike to the ordinary client," says the wordly-minded author. The duty to refrain from bullying the adversary is put on the high ethical ground that such conduct is calculated to "arouse sympathy for him and thus result in injury to one's client." In negotiating for a settlement it is the lawyer's "duty" to demand in behalf of his client a larger sum than the actual damage sustained. The amount asked should be "sufficiently high to allow some flexibility to the negotiations." From all of which it will be seen that our author's notions of ethics also have a convenient flexibility and that his counsels are not always counsels of perfection.

There is much that is good and worthy of observation in the book. The commonly recognized obligations of the lawyer to his client, to the court, and to the State are, for the most part, set forth clearly and with adequate emphasis. Notwithstanding the aberrations mentioned above and its occasional trivial character, the work does for the most part enjoin a decent if not a very exalted standard of professional conduct. But these virtues are cancelled and the entire book is vitiated by the author's specious, immoral, and dangerous plea for a double standard of duty, one for rich and the other for poor clients. He regards as unquestionable the right of a wealthy client to command unusual diligence on the part of his lawyer, if he is willing to pay the price, etc., and he sustains his plea by the ingenious argument that "the lawyers of the land have a distinct mission of public usefulness in protecting the rights of wealthy clients." (p. 195). We had supposed that justice, not the protection of wealth, was the chief concern of the courts and their officers, and that the lawyer, like his mistress, the law, could be no respecter of persons, and owed the same duty to all who entrusted their lives, their fortunes, or their sacred honor to his keeping.

G. W. K.